

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§15-513.

(a) (1) No later than the time the mining and reclamation progress report required by § 15-508(b) of this subtitle is submitted, the operator shall submit a backfilling and planting report on a form furnished by the Department for all affected areas which have been backfilled, regraded, and planted in accordance with this subtitle and the approved reclamation plan. The report shall provide the following information:

- (i) The number of acres affected on the permit;
- (ii) The number of acres backfilled and planted for the period of the report;
- (iii) The number of backfilled and planted acres previously reported;
- (iv) A map showing the area of the permit being reported as backfilled and planted; and
- (v) Such other relevant information as the Department requires.

(2) The Department shall inspect the reported area to determine if the backfilling and planting has been done in accordance with the approved reclamation plan. If the Department determines that the reported area has been backfilled and planted according to the approved plan, the report shall be approved.

(3) If the Department does not approve the backfilling and planting report, it shall notify the operator in writing, setting forth the reasons for disapproval and identifying the action necessary to secure approval. The operator shall take the action necessary to secure approval of the report.

(b) (1) Upon approval of the backfilling and planting report required by subsection (a) of this section, the Department shall release that portion of the liability on the bond representing the open-acre amount determined under § 15-507(b)(2)(ii) of this subtitle in accordance with provisions set forth in § 15-507(h) of this subtitle.

(2) (i) If the report required by subsection (a) of this section is approved, the operator shall be responsible for the successful revegetation of the

reported area for the period specified in subparagraph (ii) or (iii) of this paragraph unless liability is extended by the Department to insure compliance with the requirements of this subtitle, rules and regulations, or permit conditions.

(ii) On land eligible for reining, the period of operator responsibility is 2 full years after the approval of the report. The authority for this subparagraph shall terminate on September 30, 2004, or on any later date authorized under the federal Surface Mining Control and Reclamation Act.

(iii) For any reported area other than land eligible for reining, the period of operator responsibility is 5 full years after the approval of the report.

(3) No sooner than 2 years after the report required by subsection (a) of this section is approved, if the revegetation has been established on the area in accordance with this subtitle and the approved reclamation plan and the Committee has approved the revegetation on the area, the Department may release an additional portion of the bond required by § 15–507(b) of this subtitle in accordance with § 15–507(h) of this subtitle.

(4) The Department shall at all times retain bonds in an amount sufficient to insure completion of the reclamation plan by the Department in the event of forfeiture.

(5) When the operator has successfully completed all surface coal mining and reclamation activities, the Department may release the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in paragraph (2) of this subsection; provided, however, that no bond shall be fully released until all reclamation requirements of this subtitle are fully met.

[\[Previous\]](#)[\[Next\]](#)